

FLEMING TRIAL UNDER WAY.

ASSISTANT DISTRICT-ATTORNEY MILLER
OPENS FOR THE PEOPLE.

HE SKETCHES THE DEFENDANT'S LIFE AND SUGGESTS A MOTIVE FOR THE BLISS POISONING—SOME TESTIMONY TAKEN.

The trial of Mrs. Fleming for the alleged murder of her husband, Dr. J. B. Fleming, was held in the courtroom of the United States district court, New York, today.

der of her mother drew a big crowd of people to Part II, General Sessions, yesterday. The case for the prosecution was opened by Assistant District-Attorney Miller, who outlined the course of the defendant's life, and also suggested the motive for the crime she is accused of. The defendant, he intimated, was in straitened circumstances, and took her mother's life in order to obtain the \$85,000 coming to her on her mother's death. The evidence adduced yesterday was not important, and was mainly devoted to a description of the circumstances under

which Mrs. Bliss died.

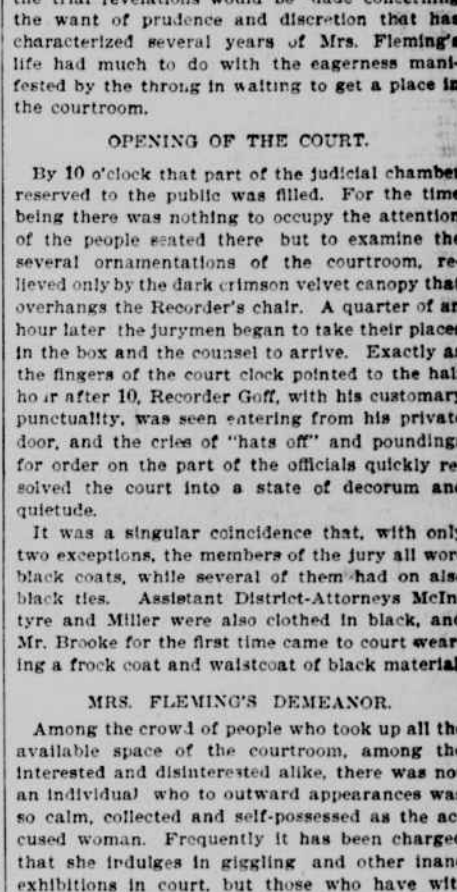
THE COURT PROCEEDINGS.

ASSISTANT DISTRICT-ATTORNEY MILLER'S AD-

After more than two weeks spent in getting a jury together, the trial of Mary Alice Almont Fleming, who is accused of murdering her mother, Mrs. Evelina M. Bliss, by administering poison in clam chowder, began in earnest yesterday morning in Part II, General Sessions. Knowing that the dreary monotony of examining witnesses with conscientious objections and sentimental scruples had come to an end, a great crowd clamored for admission long before the hour for the opening of the court. In anticipation of such a rush an added force of officials was placed at the entrance doors, with strict instructions to keep out all people who had merely morbid curiosity to serve. Even with these pre-

cautions, however, the number of people who possessed the "open sesame" was sufficiently large to fill the court to discomfort. Among the spectators were many women fashionably garbed.

woman was on trial for her life that drew them to the court. Already there has been woven around Mrs. Fleming a sort of sickly sentimental romance, born in the first place out of notoriety and since diligently fostered by a certain portion of the multitude. The expectation, too, that at the trial something would be made concerning



how unfair is this implication of callousness

With the exception of an inrequent smile a some peculiar remark or idiosyncrasy displayed by talesmen in their examinations, Mrs. Fleming's bearing has been one of constant and studied reserve. Yesterday, when Assistant District-Attorney Miller, in his opening address to the jury, told the story of how the prosecution had gathered together evidence tending to corroborate the accusation brought against her

When he spoke of the discord that existed between her and her mother, of the many scenes that had taken place, of the mental suffering the defendant had brought on the mother by her conduct, and, above all, of the utter disregard she had shown of propriety, Mrs. Fleming maintained a calm and self-possessed manner. Immoveable and apparently emotionless, she sat as the prosecutor told the story of her disordered life. She was dressed yesterday in the same mourning costume she has worn all along, the somberness of which was for the first time relieved by a small white tuberosa. Beside her sat, as usual, her half-sister, Miss Florence Bliss. Every day from the beginning of the trial, Miss Bliss has accompanied her sister in and out of the court, and without a moment's intermission has sat with her during the pro-

EVIDENCE AS TO MRS. BLISS'S DEATH.
Owing to the late arrival of Mr. Brooke, the senior counsel for the defence, the court was delayed for some twenty minutes. The evidence taken yesterday was mainly to prove the surroundings and incidents connected with Mrs. Bliss's death. The causes that brought about the

unfortunate woman's sudden taking off were not shown, although about a quarter of an hour before the adjournment last night Dr. Bullman, who was called to see the deceased woman on the fatal August 30, took the stand. The hour for rising, however, arrived before that part of his evidence which told the result of his examination of the symptoms of Mrs. Bliss's illness was reached.

Harry Bliss, the defendant's half-brother, was

also called, but for a technical reason the taking of his testimony was postponed.

MR. MILLER'S ADDRESS.

Assistant District-Attorney Miller rose at 10:50 o'clock to open the case on behalf of the prosecution. Divested of some of its technicalities, his speech to the jury was substantially as follows:

Your responsible work now at this moment begins. It does seem strange that in a city of this size there is no one to make a day in selecting a

jury, and that over 600 men should be examined as to their qualifications before we could find twelve men who were satisfactory to both sides. But I am sure while this may have been wearying to you it has, at least, your approval. A man who says that capital punishment is contrary to his method of maintaining order, really says that he would not enforce the law of this State. Can you comprehend a man who would thus repudiate the laws of this

ill-treated—discriminated between the forms of evidence; some refused to be bound by certain evidence, notwithstanding that it is evidence of the highest character. Circumstantial evidence is sometimes the best form of evidence. One learned writer in a very few words has spoken of circumstantial evidence thus: "It is in vain that we can attempt to detect or punish crime unless we resort to circumstantial evidence. Crime shuns the light of day; it seeks darkness and secrecy. It is the reason we have been so persistent in endeavoring to get jurors who will recognize the

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